

REMARKS

Summary of the Office Action

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tomoshi (JP 57-42175) (hereinafter “Tomoshi”).

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoshi as applied to claims 1 and 4 above, and further in view of Katsumi (JP 10-223873) (hereinafter “Katsumi”).

Claims 5, 6 and 11, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

Summary of the Response to the Office Action

Applicants have rewritten claims 5, 6 and 11 in independent form in light of the Office Action’s indication of allowable subject matter in these claims. Accordingly, claim 1 has been canceled without prejudice or disclaimer. Also, the dependencies of claims 2-4 have also been amended in light of these developments. In addition, new dependent claims 13-15 and 16-18 have been added as dependent on newly-amended independent claims 6 and 11, respectively to mirror features previously recited in claims 2-4, respectively. Accordingly, claims 2-18 remain pending for consideration, with claims 7-10 currently withdrawn from consideration.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tomoshi. Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoshi as applied to claims 1 and 4 above, and further in view of Katsumi.

The Examiner is thanked for the indication that claims 5, 6, and 11, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form. Accordingly, Applicants have rewritten claims 5, 6 and 11 in independent form in light of the Office Action's indication of allowable subject matter in these claims. Accordingly, claim 1 has been canceled without prejudice or disclaimer, rendering the rejection of this claim moot.

Also, the dependencies of claims 2-4 have also been amended to be dependent upon newly-amended independent claim 5 in light of these developments. In addition, new dependent claims 13-15 and 16-18 have been added as dependent on newly-amended independent claims 6 and 11, respectively to mirror features previously recited in claims 2-4, respectively.

Accordingly, newly-amended independent claims 5, 6 and 11 are now in *prima-facie* condition for allowance. In addition, dependent claims 2-4, 13-15 and 16-18 are in condition for allowance at least because of their dependence from independent claim 5, 6 or 11.

The Examiner notes at page 1 of the Office Action (PTOL-326; item 4a) that claims 7-10 are withdrawn from consideration. Accordingly, claims 2-18 remain pending, with claims 7-10 currently withdrawn from consideration by the Examiner. However, in the instant Amendment document, Applicants have indicated claim 12 as also being withdrawn because it is dependent on withdrawn claim 7.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn for at least the foregoing reasons.

CONCLUSION

In view of the foregoing, Applicants submit that independent claims 5, 6 and 11, and their respective dependent claims, are in condition for allowance, and respectfully request

reconsideration and timely allowance of these claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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